



Honorable Mike K. Nakagawa  
United States Bankruptcy Judge



Entered on Docket  
September 24, 2019

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Nevada Bar No. 5859  
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*[Proposed] Counsel for Debtors*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re

GYPSUM RESOURCES  
MATERIALS, LLC,

- ☐ Affects Gypsum Resources Materials, LLC  
☐ Affects Gypsum Resources, LLC  
☒ Affects all Debtors

Case No. BK-S-19-14796-mkn

Jointly Administered with  
Case No. BK-S-19-14799-mkn

Chapter 11

**ORDER (A) SETTING BAR DATES FOR  
FILING PROOFS OF CLAIM, (B)  
APPROVING THE FORM AND  
MANNER FOR FILING PROOFS OF  
CLAIM, AND (C) APPROVING NOTICE  
THEREOF**

The Court, having reviewed and considered the Motion (the "Motion")<sup>1</sup> filed on September 18, 2019, by Gypsum Resources Materials, LLC ("GRM") and Gypsum Resources, LLC ("GR", together with GRM, the "Debtors"), for entry of an order (a) establishing the deadline for filing claims in the above-captioned cases (the "Chapter 11 Cases"), (b) approving the form and manner

<sup>1</sup> All capitalized words and phrases not otherwise defined hearing shall have the meanings given to them in the Motion.

for filing such claims, and (c) approving notice thereof; and having reviewed and considered the UST's Objection to Debtors' Motion filed on September 4, 2019 and the Objection *To Debtors' Motion for Entry of and Order (A) Setting Bar Dates For Filing Proofs of Claims, (B) Approving The Form and Manner for Filing Proofs of Claims, and (C) Approving Notice Thereof* filed on September 11, 2019; and having reviewed and considered Big Slick's Joinder to the UST's Objection to Debtors' Motion filed on September 4, 2019; and having reviewed and considered Debtors' Reply to the UST's Objection and Big Slick's Joinder filed on September 11, 2019; and it appearing that the relief requested is in the best interests of Debtors' estates, their creditors and all other parties in interest; and the Court having jurisdiction to consider the Motion, the Objections, and the Reply and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion, Objections, and the Reply and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having reviewed and considered all other pleadings and evidence submitted by the parties in connection with the Motion, the Objections, and the Reply; and due and proper notice of the Motion, Objections, and Reply having been provided under the circumstances; and it appearing that no other or further notice need be provided; and the Court having determined that the legal and factual bases set forth in the Motion, Objections, and Reply establish just cause for the relief granted herein; and the Court having considered the oral arguments of counsel at the hearing held on September 18, 2019, and having made findings of fact and conclusions of law on the record, which are incorporated herein pursuant to Rule 52 of the Federal Rules of Civil Procedure, made applicable to these proceedings by Bankruptcy Rule 7052; and good and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

1. The Motion is GRANTED in part pursuant to the terms set forth below.

**The Bar Date and Claim Filing Procedures.**

2. Each person or entity that asserts against Debtors a claim (as defined in Bankruptcy Code section 101(5), including any claims arising prepetition that may be entitled to administrative priority pursuant to Bankruptcy Code section 503(b)(9)) that arose before July 26, 2019 (the

“Petition Date”) (such person or entity, a “Claimant” and such claim, a “Claim”), to the extent such Claimant disagrees with the treatment of its claim in Debtors’ bankruptcy schedules and statements filed with this Court on August 26, 2019 (the “Schedules”), shall file an original, written proof of that claim (a “Proof of Claim”), substantially in the form of the Proof of Claim Form attached hereto as **Exhibit A** or Official Form No. 10 (“Official Form 10”). **All Proofs of Claim of non-governmental entities are required to be received on or before November 27, 2019, at 5:00 p.m. (prevailing Pacific Time) (the “Bar Date”) at the addresses and in the form set forth in the following paragraph. All Proofs of Claim of governmental entities are required to be received on or before January 22, 2020, at 5:00 p.m. (prevailing Pacific Time) (the “Governmental Bar Date” and, together with the Bar Date, the “Bar Dates”) at the addresses and in the form set forth in the following paragraph.**

a. All Proofs of Claim must be filed with the Court and received on or before the applicable Bar Dates by Debtors’ Counsel. If Proofs of Claim are not received on or before the Bar Dates by Fox Rothschild LLP, with certain exceptions as explicitly set forth herein, the Holders of the underlying Claims shall be barred from asserting such Claims against Debtors, as more fully discussed at paragraph 10 below. All Proofs of Claim must be delivered to Fox Rothschild LLP by first-class mail, overnight delivery, hand delivery, facsimile or email at the following address:<sup>2</sup>

Brett A. Axelrod, Esq.  
 Fox Rothschild LLP  
 1980 Festival Plaza Drive, Suite 700  
 Las Vegas, NV 89135  
 Facsimile: (712) 597-5503  
 baxelrod@foxrothschild.com

3. A Proof of Claim will be deemed timely filed only if it is *actually received* by Debtors’ Counsel on or before the Bar Date. A Claimant who wishes to receive acknowledgment of Debtors’ Counsel’s receipt of its Proof of Claim may submit a copy of the Proof of Claim and a self-addressed, stamped envelope to Debtors’ Counsel along with the original Proof of Claim.

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<sup>2</sup> Proofs of Claim timely filed with the Clerk of this Court will be deemed timely filed for purposes of the Bar Dates.

**Substantive Requirements for Proofs of Claim.**

4. The following requirements shall apply with respect to filing and preparing each Proof of Claim:

- i. Each Proof of Claim must (i) be written in English; (ii) include a claim amount denominated in United States dollars; (iii) state a claim against Debtors and (iv) be signed by the Claimant or, if the Claimant is not an individual, by an authorized agent of the Claimant;
- ii. Each Proof of Claim must include, consistent with Bankruptcy Rule 3001(c), supporting documentation (or, if such documentation is voluminous, a summary of such documentation) or an explanation as to why such documentation is not available; *provided, however*, that a Proof of Claim may be filed without supporting documentation upon the prior written consent of Debtors' counsel; *and provided, further*, that any creditor that received such written consent shall be required to transmit such writing to Debtors or other party in interest upon request no later than 10 days from the date of such request.

**Parties Exempted from the Bar Dates.**

5. Several categories of Claimants, as a matter of law, procedure or case administration, shall not be required to file a Proof of Claim by the Bar Date. Specifically, the Bar Dates shall not apply to:

- (a) Holders of Claims that were listed in the Schedules, but only if (i) the Schedules did *not* list those Claims as "contingent," "unliquidated" or "disputed," *and* (ii) the Holder of the Claim does not dispute the Schedules' description of the amount or classification of the Claim;
- (b) Claimants who already filed a Proof of Claim against Debtor with the Clerk of the Bankruptcy Court for the District of Nevada (the "Clerk") in a form substantially similar to Official Form 10;
- (c) Claims against Debtors that have been paid in full, whether by Debtors pursuant to an order of the Court or by any other party;
- (d) Claims of any direct or indirect non-debtor subsidiary of Debtors against Debtors;
- (e) Claims of any current employee of Debtors, to the extent that Debtors were authorized by the Court to honor those claims in the ordinary course of its business, such as claims for wages, commissions or benefits, or any claims for deferred compensation; *provided, however*, that current employees must file Proofs of Claim by the Bar Date for all other Claims arising before the Petition Date against Debtors, including, but not limited to, Claims for wrongful termination,

discrimination, harassment, hostile work environment, retaliation, overtime and Claims covered by Debtors' workers' compensation insurance;

- (f) Equity interests, which interests are based exclusively upon an interest in the equity ownership of Debtors (any such interest being referred to as an "Interest"); *provided, however*, that Holders of Interests who wish to assert a Claim against Debtors that arises out of or relates to the ownership or purchase of an Interest, including Claims arising out of or relating to the sale, issuance or distribution of the Interest, must file a Proof of Claim on or before the Bar Date, unless another exception set forth herein applies; and
- (g) Claims allowable under Bankruptcy Code sections 503(b) and 507(a)(1) as administrative expenses of this Chapter 11 Case, with the exception of Claims allowable under Bankruptcy Code section 503(b)(9), which are subject to the Bar Date.

#### **Identification of Known Creditors.**

6. Debtors shall mail notice of the Bar Dates only to its known creditors to the last known mailing address for each such creditor and may rely on publication to give notice to creditors to whom notice by mail is impracticable, including creditors who are unknown or not reasonably ascertainable by Debtors and creditors whose identities are known but whose addresses are unknown by Debtors. The Court is not making any factual findings at this time as to which creditors are known and unknown. The Court is not otherwise excusing compliance with Bankruptcy Code section 342 or any other applicable law governing notice in this proceeding.

#### **Procedures for Providing Notice of the Bar Date.**

7. Debtors shall use the following procedures for providing mailing and publication notice of the Bar Date:

#### **Mailing of Bar Date Notices.**

8. Debtors shall mail on or before September 25, 2019, written notice of the Bar Date, substantially in the form attached hereto as **Exhibit B** (the "Bar Date Notice"), and a Proof of Claim Form (including instructions), substantially in the form attached hereto as **Exhibit A** (collectively, with the Bar Date Notice, the "Bar Date Package"), to the following entities:

- The Office of the United States Trustee for the District of Nevada (the "U.S. Trustee");

- Counsel to any statutory Committee of Unsecured Creditors that may be appointed in these Chapter 11 Cases (the “Creditors’ Committee”);
- The entities listed on the List of Creditors Holding the 20 Largest Unsecured Claims filed in these Chapter 11 Cases, pursuant to Bankruptcy Rule 1007(d);
- Counsel to Debtors’ secured lenders;
- All persons or entities that have requested notice of the proceedings in these Chapter 11 Cases;
- All persons or entities that have filed claims against Debtors, if any;
- All creditors and other known holders of claims against Debtors as of the date of the Order, if any, including all persons or entities listed in the Schedules as holding claims against Debtors;
- All parties to executory contracts and unexpired leases of Debtors listed on the Schedules, including executory contracts and unexpired leases which Debtors included on any subsequent amendment(s) to the Schedules;
- All parties to litigation with Debtors;
- The Internal Revenue Service; and
- Debtors’ current employees and Debtors’ former employees to the extent that contact information for former employees is available in Debtors’ records.

9. After the initial mailing of the Bar Date Packages, Debtors may, in their discretion, make supplemental mailings of notices or packages in a number of situations, including in the event that (a) notices are returned by the post office with forwarding addresses (unless notices are returned as “return to sender” without a forwarding address, in which case Debtors shall not be required to mail additional notices to such creditors), (b) certain parties acting on behalf of parties in interest (e.g., banks and brokers) that decline to pass along notices to these parties and instead return their names and addresses to Debtors for direct mailing, and (c) additional potential claimants that become known as the result of the Bar Date noticing process. In this regard, Debtors shall make supplemental mailings of Bar Date Notices in these and similar circumstances at any time up to and

including January 22, 2020, with any such mailings being deemed timely and the Bar Date being applicable to the recipient creditors.

**Publication of Bar Date Notices.**

10. Debtors shall give notice of the Bar Date by publication, as provided by Bankruptcy Rule 2002(l), to creditors to whom notice by mail is found by the Court to have been impracticable, including creditors who are unknown or not reasonably ascertainable by Debtors and creditors whose identities are known but whose addresses are unknown by Debtors. Specifically, Debtors shall publish in the *Las Vegas Review-Journal* the Bar Date Notice, modified for publication in substantially the form attached hereto as **Exhibit C** (the “Publication Notice”), which shall include the telephone number of Debtors’ Counsel for purposes of these Chapter 11 Cases that creditors may call to obtain copies of a Proof of Claim Form, and information concerning the procedures and appropriate deadlines for filing Proofs of Claim. Debtors shall make such publication on two non-consecutive weekdays, once during the week of September 25, 2019, and another the following week; and once on a Sunday, thus satisfying the requirements of Bankruptcy Rules 2002(a)(7) and 9006(f) that such notice be published at least twenty-four (24) days before the Bar Date.

**Supplemental Bar Date.**

11. January 22, 2020, at 5:00 p.m. prevailing Pacific time shall be, and is hereby, established as the supplemental bar date in these Chapter 11 Cases (the “Supplemental Bar Date,” together with the Bar Date, the “Bar Dates”) with respect to creditors as to which a re-mailing of the Bar Date Package is appropriate (as described above), but cannot be accomplished before December 27, 2019, to provide at least twenty-four (24) days’ notice of the Bar Date.

12. On or before December 27, 2019, Debtors will re-mail a Bar Date Package (the “Re-Mailed Notice”), modified to include the Supplemental Bar Date, to all creditors from whom Debtors have received return mail with a forwarding address in order to provide such creditors with at least twenty-four (24) days’ notice of the Supplemental Bar Date.



**Extension of the Bar Dates.**

13. Debtors may, in their discretion and upon the written consent of counsel for the statutory Creditor's Committee, if one is appointed, and without further order of the Court, extend the Bar Dates and the Supplemental Bar Date by stipulation for certain Claimants, such as other creditors that become known to Debtors after the applicable Bar Date, where Debtors determine that such extension is in the best interests of Debtors and their estates.

**Consequences of Failing to File a Proof of Claim by the Applicable Bar Date.**

14. Pursuant to Bankruptcy Rule 3003(c)(2), any Claimant whose claim is not scheduled or scheduled as disputed, contingent, or unliquidated must file a Proof of Claim in accordance with the Bar Date Order on or before the Bar Dates or Supplemental Bar Date, as applicable. Any claimant that fails to do so shall not be treated as a creditor with respect to such claim for the purposes of voting to accept or reject any plan of reorganization filed in these Chapter 11 Cases, or participating in any distribution in these Chapter 11 Cases on account of such claim.

**Amendment to Schedules.**

15. In the event Debtors amend the Schedules after having given notice of the Bar Date, Debtors shall give notice by first-class mail of any Schedules amendment to the holders of claims affected thereby, and the deadline for those Holders to file Proofs of Claim, if necessary, shall be the later of (a) the Bar Date, or (b) thirty (30) days from the date that notice of the Schedules amendment is given (or another time period as may be fixed by the Court).

**Rejection of Executory Contracts and Unexpired Leases.**

16. Any holder of a claim arising from the rejection of an unexpired lease or executory contract of a Debtor (an "Agreement") shall be required to file a Proof of Claim by the later of (a) the Bar Date, or (b) the date provided in any order authorizing Debtors to reject the Agreement or, if no date is provided, then thirty (30) days after the date of any order authorizing Debtors to reject an Agreement (so long as such order authorizing rejection and establishing the claims bar date requires Debtors to mail notice of the order within one (1) day of the date the order is entered).



**Adequate and Sufficient Notice.**

17. Notice of the Bar Dates as set forth in this Order and in the manner set forth herein (including, but not limited to, the Bar Date Notice, the Bar Date Package, the Publication Notice, the Re-Mailed Notice and any supplemental notices that Debtors may send from time to time pursuant to this Order) constitutes adequate and sufficient notice of the Bar Dates and satisfies the requirements of the Bankruptcy Code, the Bankruptcy Rules and the Local Rules for this Court such that no other or further notice need be provided.

18. Debtors are authorized to take all actions necessary or appropriate to effectuate the relief granted pursuant to this Order in accordance with the Motion.

19. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

20. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Prepared and respectfully submitted by:

**FOX ROTHSCHILD LLP**

By: /s/Brett A. Axelrod  
BRETT A. AXELROD, ESQ.  
Nevada Bar No. 5859  
1980 Festival Plaza Drive, Suite 700  
Las Vegas, Nevada 89135  
*[Proposed] Counsel for Debtors*

FOX ROTHSCHILD LLP  
1980 Festival Plaza Drive, Suite 700  
Las Vegas, Nevada 89135  
(702) 262-6899  
(702) 597-5503 (fax)

1 **APPROVED/DISAPPROVED:**

2 **OFFICE OF THE UNITED STATES TRUSTEE**

3 BY: /s/Edward M. McDonald

4 Edward M. McDonald, Jr.  
5 Trial Attorney for United States Trustee,  
6 Tracy Hope Davis

7 **APPROVED/DISAPPROVED:**

8 **GOLDSTEIN & McCLINTOCK LLP**

9 BY: /s/Thomas R. Fawkes

10 THOMAS R. FAWKES, ESQ.  
11 111 W. Washington St., Suite 1221  
12 Chicago, Illinois 60602

13 *[Proposed] Counsel for the Official Committee of*  
14 *Unsecured Creditors*

15 **APPROVED/DISAPPROVED:**

16 **CHRISTENSEN JAMES & MARTIN, CHTD.**

17 BY: /s/Kevin B. Archibald

18 KEVIN B. ARCHIBALD, ESQ.  
19 Nevada Bar No. 13817  
20 7440 W. Sahara Avenue  
21 Las Vegas, Nevada 89117

22 *Counsel for Big Slick Petroleum, LLC*

**CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

- ☐ The Court has waived the requirement of approval in LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion
- ☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Edward M. McDonald, Jr.,  
Trial Attorney  
Office of the United States Trustee

**Approved / Disapproved**

Thomas R. Fawkes, Esq.  
Goldstein & McClintock LLLP  
*[Proposed] Counsel for the Official  
Committee of Unsecured Creditors*

**Approved / Disapproved**

Kevin B. Archibald, Esq.  
Christensen James & Martin, Chtd.  
*Counsel for Big Slick Petroleum, LLC*

**Approved / Disapproved**

- ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

###

**EXHIBIT B**  
**PROOF OF CLAIM FORM**

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FOX ROTHSCHILD LLP  
1980 Festival Plaza Drive, Suite 700  
Las Vegas, Nevada 89135  
(702) 262-6899  
(702) 597-5503 (fax)

**Fill in this information to identify the case:**

Debtor 1 \_\_\_\_\_

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_

Case number \_\_\_\_\_

## Official Form 410

## Proof of Claim

04/19

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

**Part 1:** Identify the Claim**1. Who is the current creditor?**

\_\_\_\_\_  
Name of the current creditor (the person or entity to be paid for this claim)

\_\_\_\_\_  
Other names the creditor used with the debtor

**2. Has this claim been acquired from someone else?**
☐ No

☐ Yes. From whom? \_\_\_\_\_
**3. Where should notices and payments to the creditor be sent?**

Federal Rule of  
Bankruptcy Procedure  
(FRBP) 2002(g)

**Where should notices to the creditor be sent?**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

\_\_\_\_\_  
Contact phone

\_\_\_\_\_  
Contact email

**Where should payments to the creditor be sent? (if different)**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Number Street

\_\_\_\_\_  
City State ZIP Code

\_\_\_\_\_  
Contact phone

\_\_\_\_\_  
Contact email

Uniform claim identifier for electronic payments in chapter 13 (if you use one):  
\_\_\_\_\_

**4. Does this claim amend one already filed?**
☐ No

☐ Yes. Claim number on court claims registry (if known) \_\_\_\_\_

Filed on \_\_\_\_\_  
MM / DD / YYYY

**5. Do you know if anyone else has filed a proof of claim for this claim?**
☐ No

☐ Yes. Who made the earlier filing? \_\_\_\_\_

**Part 2:** Give Information About the Claim as of the Date the Case Was Filed

|   |  |
|---|--|
| 6. Do you have any number you use to identify the debtor? | <input type="checkbox"/> No<br><input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ ____ ____ ____   |
| 7. How much is the claim? \$ _____                        | <b>Does this amount include interest or other charges?</b><br><input type="checkbox"/> No<br><input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).  |
| 8. What is the basis of the claim?                        | Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.<br>Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).<br>Limit disclosing information that is entitled to privacy, such as health care information.<br><br>_____  |
| 9. Is all or part of the claim secured?                   | <input type="checkbox"/> No<br><input type="checkbox"/> Yes. The claim is secured by a lien on property.<br><br><b>Nature of property:</b><br><input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> .<br><input type="checkbox"/> Motor vehicle<br><input type="checkbox"/> Other. Describe: _____<br><br><b>Basis for perfection:</b> _____<br>Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)<br><br><b>Value of property:</b> \$ _____<br><b>Amount of the claim that is secured:</b> \$ _____<br><b>Amount of the claim that is unsecured:</b> \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)<br><br><b>Amount necessary to cure any default as of the date of the petition:</b> \$ _____<br><br><b>Annual Interest Rate</b> (when case was filed) _____ %<br><input type="checkbox"/> Fixed<br><input type="checkbox"/> Variable |
| 10. Is this claim based on a lease?                       | <input type="checkbox"/> No<br><input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____   |
| 11. Is this claim subject to a right of setoff?           | <input type="checkbox"/> No<br><input type="checkbox"/> Yes. Identify the property: _____  |

**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ Up to \$3,025\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

☐ Wages, salaries, or commissions (up to \$13,650\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

**Amount entitled to priority**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

Check the appropriate box:

☐ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date \_\_\_\_\_  
MM / DD / YYYY

\_\_\_\_\_  
Signature

**Print the name of the person who is completing and signing this claim:**

Name

First name

Middle name

Last name

Title

Company

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

Number

Street

City

State

ZIP Code

Contact phone

Email



**EXHIBIT C**  
**BAR DATE NOTICE**

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Email: baxelrod@foxrothschild.com  
*[Proposed] Counsel for Debtors*

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re

GYPSUM RESOURCES MATERIALS,  
LLC,

- ☐ Affects Gypsum Resources Materials, LLC  
☐ Affects Gypsum Resources, LLC  
☐ Affects all Debtors

Case No. BK-S-19-14796-mkn

Jointly Administered with  
Case No. BK-S-19-14799-mkn

Chapter 11

**NOTICE OF BAR DATES FOR FILING PROOFS OF CLAIM:  
ON OR BEFORE NOVEMBER 27, 2019 FOR NON-GOVERNMENTAL CLAIMS  
AND  
ON OR BEFORE JANUARY 22, 2020 FOR GOVERNMENTAL CLAIMS**

**TO: ALL ENTITIES WHO MAY HAVE CLAIMS AGAINST GYPSUM RESOURCES MATERIALS, LLC, GYPSUM RESOURCES, LLC, OR ANY OF THEIR PREDECESSORS-IN-INTEREST FOR WHICH DEBTORS ASSUMED LIABILITY BY OPERATION OF LAW THROUGH MERGER AS DESCRIBED IN THIS NOTICE:**

**YOU MAY WISH TO CONSULT WITH COUNSEL OF YOUR CHOICE REGARDING ANY CLAIM YOU MAY HAVE.**

**PLEASE TAKE NOTICE THAT:**

On July 26, 2019 (the "Petition Date"), Gypsum Resources Materials, LLC ("GRM") and Gypsum Resources, LLC ("GR"), filed their voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the District of Nevada (the "Court").

Prior to the Petition Date, the following former affiliate of GRM (the “GRM Affiliate”) merged with GRM: High Grade Gypsum, LLC. After the merger, GRM was the surviving entity and successor-in-interest, assuming the operations, assets, and liabilities of the GRM Affiliate.

Prior to the Petition Date, the following former affiliates of GR (collectively, the “GR Affiliates”) merged with GR: Gypsum Resources I, LLC, and Blue Diamond Falls, LLC. After the merger, GR was the surviving entity and successor-in-interest, assuming the operations, assets, and liabilities of the GR Affiliates.

**Accordingly, you may have done business with GRM or GR within the last ten years under any of the following names:**

| DEBTOR                          | OTHER NAMES  |
|---------------------------------|--|
| Gypsum Resources Materials, LLC | High Grade Gypsum, LLC                             |
| Gypsum Resources, LLC           | Gypsum Resources I, LLC<br>Blue Diamond Falls, LLC |

### **DEADLINES FOR FILING CLAIMS AGAINST DEBTORS**

On \_\_\_\_\_, 2019, the Court entered an order (ECF No. \_\_\_\_ ) (the “Bar Date Order”):

(a) establishing the deadline for filing claims in the above-captioned cases (the “Chapter 11 Cases”),

(b) approving the form and manner for filing such claims, and (c) approving notice thereof.

Each person or entity that asserts against Debtors a claim (as defined in Bankruptcy Code section 101(5), including any claims arising prepetition that may be entitled to administrative priority pursuant to Bankruptcy Code section 503(b)(9)) that arose before July 26, 2019 (the “Petition Date”) (such person or entity, a “Claimant” and such claim, a “Claim”), to the extent such Claimant disagrees with the treatment of its claim in Debtors’ bankruptcy schedules and statements filed with this Court on the Petition Date (the “Schedules”), shall file an original, written proof of that claim (a “Proof of Claim”), substantially in the form of Official Form No. 10 (“Official Form 10”) attached hereto as **Exhibit 1**.

**Under Bankruptcy Code section 101(5) and as used herein, the word “claim” means:**

**(a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable,**

secured or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

All Proofs of Claim (except those of governmental entities) are required to be filed and received by Counsel for the Debtors on or before November 27, 2019, at 5:00 p.m. (prevailing Pacific Time) (the “Bar Date”) at the addresses and in the form set forth in the following paragraphs.

All Proofs of Claim of governmental entities are required to be filed and received by Counsel for the Debtors on or before January 22, 2020, at 5:00 p.m. (prevailing Pacific Time) (the “Governmental Bar Date”) at the addresses and in the form set forth in the following paragraphs.

All Proofs of Claim must be filed with the Court and received on or before the Bar Date or Governmental Bar Date (collectively, the “Bar Dates”) by counsel for the Debtor, Fox Rothschild LLP, in these Chapter 11 Cases. If Proofs of Claim are not received on or before the Bar Dates by Fox Rothschild LLP by, with certain exceptions as explicitly set forth herein, the Holders of the underlying Claims shall be barred from asserting such Claims against Debtors. All Proofs of Claim must be delivered to Fox Rothschild LLP by first-class mail, overnight delivery, hand delivery, facsimile or email at the following address:<sup>1</sup>

Brett A. Axelrod, Esq.  
 Fox Rothschild LLP  
 1980 Festival Plaza Drive, Suite 700  
 Las Vegas, NV 89135  
 Facsimile: (702) 597-5503  
 baxelrod@foxrothschild.com

You MUST file a Proof of Claim by the Bar Dates if you have any claim against Debtors that arose before July 26, 2019. The only exception to this requirement is for claims described below as Exempted Claims. Acts or omissions that occurred before July 26, 2019,

<sup>1</sup> Proofs of Claim timely filed with the Clerk of this Court will be deemed timely filed for purposes of the Bar Dates.

**may give rise to claims subject to the Bar Date even if the claims may not have become known or fixed or liquidated until after July 26, 2019. PRIOR TO JULY 26, 2019, DEBTORS ALSO OPERATED UNDER THESE NAMES: HIGH GRADE GYPSUM, LLC, GYPSUM RESOURCES I, LLC AND BLUE DIAMOND FALLS, LLC. IF YOU HAVE HAD DEALINGS WITH DEBTORS OR ANY OF THESE ENTITIES, THEN YOU MAY HAVE A CLAIM. IF YOU HAVE A CLAIM, THEN YOU MUST TIMELY FILE A CLAIM OR, IF NOT TIMELY FILED, SUCH CLAIM WILL BE FOREVER BARRED.**

**SUBSTANTIVE REQUIREMENTS FOR PROOFS OF CLAIM**

The following requirements shall apply with respect to filing and preparing each Proof of Claim:

- a. Each Proof of Claim must (i) be written in English; (ii) include a claim amount denominated in United States dollars; (iii) state a claim against Debtor and (iv) be signed by the Claimant or, if the Claimant is not an individual, by an authorized agent of the Claimant;
- b. Each Proof of Claim must include, consistent with Bankruptcy Rule 3001(c), supporting documentation (or, if such documentation is voluminous, a summary of such documentation) or an explanation as to why such documentation is not available; *provided, however*, that a Proof of Claim may be filed without supporting documentation upon the prior written consent of Debtor's counsel; and *provided, further*, that any creditor that received such written consent shall be required to transmit such writing to Debtor or other party in interest upon request no later than 10 days from the date of such request.

**EXEMPTED CLAIMS**

Several categories of Claimants, as a matter of law, procedure or case administration, shall not be required to file a Proof of Claim by the Bar Dates. Specifically, the Bar Dates shall not apply to the following (collectively, "Exempted Claims"):

- iii. Holders of Claims that were listed in the Schedules, but only if (i) the Schedules did *not* list those Claims as "contingent," "unliquidated" or "disputed," *and* (ii) the Holder of the Claim does not dispute the Schedules' description of the amount or classification of the Claim;
- iv. Claimants who already filed a Proof of Claim against Debtors with the Clerk of the Bankruptcy Court for the District of Nevada (the "Clerk") in a form substantially similar to Official Form 10;

- v. Equity interests, which interests are based exclusively upon an interest in the equity ownership of Debtor (any such interest being referred to as an “Interest”); *provided, however*, that Holders of Interests who wish to assert a Claim against Debtors that arise out of or relate to the ownership or purchase of an Interest, including Claims arising out of or relating to the sale, issuance or distribution of the Interest, must file a Proof of Claim on or before the Bar Dates, unless another exception set forth herein applies; and
- vi. Claims allowable under Bankruptcy Code sections 503(b) and 507(a)(2) as administrative expenses of this Chapter 11 Case, with the exception of Claims allowable under Bankruptcy Code section 503(b)(9), which are subject to the Bar Dates.

### **CONSEQUENCES OF MISSING DEADLINES TO FILE PROOFS OF CLAIM**

Pursuant to Bankruptcy Rule 3003(c)(2), any Claimant whose claim is not scheduled or scheduled as disputed, contingent, or unliquidated must file a Proof of Claim in accordance with the Bar Date Order on or before the Bar Dates or Supplemental Bar Date, as applicable, or such Claimant shall be forever barred, estopped and enjoined from asserting such claim against Debtors (or filing a Proof of Claim with respect thereto), and Debtors’ property shall be forever discharged from any and all indebtedness or liability with respect to such Claim, and such Holder shall not be permitted to vote. Any claimant that fails to do so shall not be treated as a creditor with respect to such claim for the purposes of voting to accept or reject any plan of reorganization filed in these Chapter 11 Cases, or participating in any distribution in these Chapter 11 Cases on account of such claim.

**ACCORDINGLY, IF YOU FAIL TO FILE A PROOF OF CLAIM ON ACCOUNT OF ANY CLAIM YOU WISH TO ASSERT AGAINST DEBTORS OR ANY OF DEBTORS’ PREDECESSORS-IN-INTEREST FOR WHICH DEBTORS ASSUMED LIABILITY BY OPERATION OF LAW THROUGH MERGER PRIOR TO JULY 26, 2019, PURSUANT TO THE INSTRUCTIONS IN THIS NOTICE SO THAT YOUR PROOF OF CLAIM IS RECEIVED ON OR BEFORE 5:00 P.M. PREVAILING PACIFIC TIME ON NOVEMBER 27, 2019 (OR JANUARY 22, 2020 FOR GOVERNMENTAL ENTITIES) THEN:**

- **YOU WILL NOT BE TREATED AS A CREDITOR WITH RESPECT TO THAT CLAIM;**
- **YOU WILL NOT BE PERMITTED TO VOTE ON ANY PLAN OF REORGANIZATION FOR DEBTORS ON ACCOUNT OF THAT CLAIM; AND**
- **YOU WILL NOT RECEIVE ANY DISTRIBUTION IN THESE CHAPTER 11 CASES ON ACCOUNT OF THAT CLAIM.**

#### **CLAIMS FROM REJECTION OF EXECUTORY CONTRACTS / UNEXPIRED LEASES**

Any holder of a claim arising from the rejection of an unexpired lease or executory contract of a Debtor (an “Agreement”) shall be required to file a Proof of Claim by the later of (a) the applicable Bar Date, or (b) the date provided in any order authorizing such Debtor to reject the Agreement or, if no date is provided, then thirty (30) days after the date of any order authorizing Debtor to reject the Agreement (so long as such order authorizing rejection and establishing the claims bar date requires Debtors to mail notice of the order within one (1) day of the date the order is entered).

#### **EXAMINATION OF SCHEDULES**

The Court’s docket sheet and documents filed in these Chapter 11 Cases, including Debtors’ Schedules and the Bar Date Order, are accessible at the Court’s internet site: <http://www.nvb.uscourts.gov>, through an account obtained from the PACER service center at 1-800-676-6856, or (210) 301-6440, or <http://pacer.psc.uscourts.gov>. Debtors’ Schedules and the Bar Date Order also may be examined and inspected by interested parties during regular business hours at either (a) the offices of Fox Rothschild, LLP, 1980 Festival Plaza Drive, Suite 700, Las Vegas, NV 89135; or (b) the Clerk of the Court, Foley Federal Building and U.S. Courthouse, 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101, during posted hours. **Creditors that wish to**

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1 rely on the Schedules will have the responsibility for determining that their Claims are listed  
2 accurately on them.

3 DATED this \_\_\_\_ day of September, 2019.

4 **FOX ROTHSCHILD LLP**

5  
6 By /s/Brett A. Axelrod

7 BRETT A. AXELROD, ESQ.

8 Nevada Bar No. 5859

9 1980 Festival Plaza Drive, Suite 700

10 Las Vegas, Nevada 89135

11 *[Proposed] Counsel for Debtors*

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FOX ROTHSCHILD LLP  
1980 Festival Plaza Drive, Suite 700  
Las Vegas, Nevada 89135  
(702) 262-6899  
(702) 597-5503 (fax)

**EXHIBIT D**  
**PUBLICATION NOTICE OF BAR DATE**

FOX ROTHSCHILD LLP  
1980 Festival Plaza Drive, Suite 700  
Las Vegas, Nevada 89135  
(702) 262-6899  
(702) 597-5503 (fax)

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BRETT A. AXELROD, ESQ.  
Nevada Bar No. 5859  
**FOX ROTHSCHILD LLP**  
1980 Festival Plaza Drive, Suite 700  
Las Vegas, Nevada 89135  
Telephone: (702) 262-6899  
Facsimile: (702) 597-5503  
Email: baxelrod@foxrothschild.com  
*[Proposed] Counsel for Debtors*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re

GYPSUM RESOURCES MATERIALS,  
LLC,

- ☐ Affects Gypsum Resources Materials, LLC  
☐ Affects Gypsum Resources, LLC  
☐ Affects all Debtors

Case No. BK-S-19-14796-mkn

Jointly Administered with  
Case No. BK-S-19-14799-mkn

Chapter 11

Hearing Date:  
Hearing Time:

**NOTICE OF BAR DATE FOR FILING PROOFS OF CLAIM  
AGAINST GYPSUM RESOURCES MATERIALS, LLC  
AND/OR GYPSUM RESOURCES, LLC,  
ON OR BEFORE NOVEMBER 27, 2019**

**TO: ALL ENTITIES WHO MAY HAVE CLAIMS AGAINST GYPSUM RESOURCES  
MATERIALS, LLC OR GYPSUM RESOURCES, LLC, OR ANY OF THEIR  
PREDECESSORS-IN-INTEREST FOR WHICH GYPSUM RESOURCES MATERIALS,  
LLC AND/OR GYPSUM RESOURCES, LLC ASSUMED LIABILITY BY OPERATION OF  
LAW THROUGH MERGER AS DESCRIBED IN THIS NOTICE.**

**YOU MAY WISH TO CONSULT WITH COUNSEL OF YOUR CHOICE  
REGARDING ANY CLAIMS YOU MAY HAVE.**

**PLEASE TAKE NOTICE THAT:**

On July 26, 2019, Gypsum Resources Materials, LLC (“GRM”) and Gypsum Resources, LLC (“GR”, together with GRM, the “Debtors”), debtors and debtors in possession in the above-captioned cases (the “Chapter 11 Cases”), filed their voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Nevada (the “Court”). Prior to the Petition Date, the following former affiliate of Gypsum Resources Materials, LLC (the “GRM Affiliate”) merged with GRM: High Grade Gypsum, LLC. After the merger, GRM was the surviving entity and successor-in-interest, assuming the operations, assets, and liabilities of the GRM Affiliate. Prior to the Petition Date, the following former affiliates of Gypsum Resources, LLC (collectively, the “GR Affiliates”) merged with GR: Gypsum Resources I, LLC and Blue Diamond Falls, LLC. After the merger, GR was the surviving entity and successor-in-interest, assuming the operations, assets, and liabilities of the GR Affiliates. **Accordingly, you may have done business with the Debtors within the last ten years under any of the following names:**

| DEBTOR                          | OTHER NAMES  |
|---------------------------------|--|
| Gypsum Resources Materials, LLC | High Grade Gypsum, LLC                             |
| Gypsum Resources, LLC           | Gypsum Resources I, LLC<br>Blue Diamond Falls, LLC |

**DEADLINE FOR FILING CLAIMS AGAINST DEBTORS**

On \_\_\_\_\_, 2019, the Court entered an order (the “Bar Date Order”) in these Chapter 11 Cases establishing **November 27, 2019, at 5:00 p.m. (Prevailing Pacific Time)** (the “Bar Date”), as the deadline for filing an original, written proof of any claim you may have against Debtors (the “Proof of Claim”). The Bar Date applies to all claims against Debtors that arose before July 26, 2019, except certain excluded claims and claims of governmental entities (as described in the Bar Date Order). The Bar Date Order also sets procedures to be used for filing Proofs of Claim, which are summarized in this notice for your convenience.

You **MUST** file a Proof of Claim by the Bar Date if you have any claim against Debtors that arose before July 26, 2019. The only exception to this requirement is for certain excluded claims or

claims of governmental entities described in the Bar Date Order. **Acts or omissions that occurred before July 26, 2019, may give rise to claims subject to the Bar Date even if the claims may not have become known or fixed or liquidated until after July 26, 2019.** PRIOR TO JULY 26, 2019, DEBTORS ALSO OPERATED UNDER THESE NAMES: HIGH GRADE GYPSUM, LLC, GYPSUM RESOURCES I, LLC AND BLUE DIAMOND FALLS, LLC. IF YOU HAVE HAD DEALINGS WITH DEBTORS OR ANY OF THESE ENTITIES, THEN YOU MAY HAVE A CLAIM. IF YOU HAVE A CLAIM, THEN YOU MUST TIMELY FILE A CLAIM OR, IF NOT TIMELY FILED, SUCH CLAIM WILL BE FOREVER BARRED.

Under Bankruptcy Code section 101(5) and as used herein, the word “claim” means: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

### **INSTRUCTIONS FOR FILING A PROOF OF CLAIM**

If you file a Proof of Claim, your filed Proof of Claim must (a) be written in English; (b) include a claim amount denominated in United States dollars; (c) state a claim against Debtors or any or all of the appropriate entities Debtors formerly did business as; and (d) be signed by the Claimant or, if the Claimant is not an individual, by an authorized agent of the Claimant.

### **YOU SHOULD INCLUDE ALL CLAIMS AGAINST DEBTORS IN A SINGLE PROOF OF CLAIM FORM.**

b. Your Proof of Claim form must be filed so as to be **received** on or before **5:00 p.m. Prevailing Pacific Time on November 27, 2019.** All Proofs of Claim must be filed with the Court and received on or before the Bar Date by Debtors’ Counsel. If Proofs of Claim are not received on or before the Bar Date by Fox Rothschild LLP, with certain exceptions described in the Bar Date Order, the Holders of the underlying Claims shall be barred from asserting such Claims against Debtors. All Proofs of Claim must be delivered to Fox Rothschild LLP by first-class mail,

overnight delivery, hand delivery, facsimile or email at the following address:<sup>1</sup>

Brett A. Axelrod, Esq.  
Fox Rothschild LLP  
1980 Festival Plaza Drive, Suite 700  
Las Vegas, NV 89135  
Facsimile: (702) 597-5503  
baxelrod@foxrothschild.com

21. A Proof of Claim will be deemed timely filed only if it is *actually received* by Debtors' Counsel on or before the Bar Date. A Claimant who wishes to receive acknowledgment of Debtors' Counsel's receipt of its Proof of Claim may submit a copy of the Proof of Claim and a self-addressed, stamped envelope to Debtors' Counsel along with the original Proof of Claim. A Claimant who wishes to receive acknowledgment of Debtors' Counsel's receipt of its Proof of Claim may submit a copy of the Proof of Claim and a self-addressed, stamped envelope to Debtors' Counsel along with the original Proof of Claim.<sup>2</sup>

**CONSEQUENCES OF MISSING THE DEADLINE FOR FILING CLAIMS**

**IF YOU FAIL TO FILE A PROOF OF CLAIM ON ACCOUNT OF ANY CLAIM YOU WISH TO ASSERT AGAINST DEBTORS OR ANY OF DEBTORS' PREDECESSORS-IN-INTEREST FOR WHICH DEBTORS ASSUMED LIABILITY BY OPERATION OF LAW THROUGH MERGER PRIOR TO JULY 26, 2019, PURSUANT TO THE INSTRUCTIONS IN THIS NOTICE SO THAT YOUR PROOF OF CLAIM IS RECEIVED ON OR BEFORE 5:00 P.M. PREVAILING PACIFIC TIME ON NOVEMBER 27, 2019, THEN:**

**YOU WILL NOT BE TREATED AS A CREDITOR WITH RESPECT TO THAT CLAIM;**

**YOU WILL NOT BE PERMITTED TO VOTE ON ANY PLAN OF REORGANIZATION FOR DEBTORS ON ACCOUNT OF THAT CLAIM; AND**

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<sup>1</sup> Proofs of Claim timely filed with the Clerk of this Court will be deemed timely filed for purposes of the Bar Dates.

<sup>2</sup> Proofs of Claim timely filed with the Clerk of the Court, located in the Foley Federal Building and U.S. Courthouse at 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101, will be deemed timely filed for purposes of the Bar Date.

**YOU WILL NOT RECEIVE ANY DISTRIBUTION IN THESE CHAPTER 11 CASES ON  
ACCOUNT OF THAT CLAIM.**

**EXAMINATION OF SCHEDULES**

The Court's docket sheet and documents filed in these Chapter 11 Cases, including Debtors' Schedules and the Bar Date Order, are accessible at the Court's internet site: <http://www.nvb.uscourts.gov>, through an account obtained from the PACER service center at 1-800-676-6856, or (210) 301-6440, or <http://pacer.psc.uscourts.gov>. Debtors' Schedules and the Bar Date Order also may be examined and inspected by interested parties during regular business hours at either (a) the offices of Fox Rothschild, LLP, 1980 Festival Plaza Drive, Suite 700, Las Vegas, NV 89135; or (b) the Clerk of the Court, Foley Federal Building and U.S. Courthouse, 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101, during posted hours. Creditors that wish to rely on the Schedules will have the responsibility for determining that their Claims are listed accurately on them.